

FILED

JUN 09 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

AGUSTIN VICTORINO MONTES
MEDINA; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-70349

Agency Nos. A95-191-263

A95-191-264

A95-191-265

A95-191-266

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 5, 2006 **

Before: CANBY, T.G. NELSON and KLEINFELD, Circuit Judges.

Respondent's motion to dismiss this petition for review for lack of jurisdiction is granted. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Fernandez v. Gonzales*, 439 F.3d 592 (9th Cir. 2006); *Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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Cir. 2003). The petition for review is dismissed for lack of jurisdiction as to petitioners Agustin Victorino Montes Medina, Agency No. A95-191-263 and Martha Elisa Torres Sanchez, Agency No. A95-191-264.

In addition, with respect to petitioners, Victor Alonso Montes Torres, Agency No. A95-191-265, and Ricardo Omar Montes Torres, Agency No. A95-191-266, the court summarily denies the petition for review because these petitioners lack a qualifying relative under the statute and are therefore ineligible for cancellation of removal. *See* 8 U.S.C. § 1229b(b)(1)(D) (requiring alien to show that “removal would result in exceptional and extremely unusual hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.”); *Molina-Estrada v. INS*, 293 F.3d 1089, 1093-94 (9th Cir. 2002) (denying cancellation of removal where alien lacked a qualifying relative under the statute); *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

DISMISSED IN PART AND DENIED IN PART.